UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,347	07/26/2000	Albert Henricus Franciscus de Heer	10-363-US-4 (cbs016300)	8436

98804 7590	08/02/2012	

Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230

EXAMINER
HASAN, SYED HAROON

ART UNIT	PAPER NUMBER
2158	

NOTIFICATION DATE	DELIVERY MODE
08/02/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoipinbox@reedsmith.com
mskaufman@reedsmith.com

PTOL-90A (Rev. 04/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte ALBERT HENRICUS FRANCISCUS DE HEER,
RUDOLF CORNELIUS WILHELMUS DE HEER,
CONSTANTIN NICKOLAYVICH ZABRODINE,
ALEXANDRE IGOREVITCH KVIATKEVITCH, and
ERIC OSCAR BLAETTLER

_____

Appeal 2010-002518
Application 09/626,347
Technology Center 2100

_____

Before ROBERT E. NAPPI, KRISTEN L. DROESCH, and
JASON V. MORGAN, *Administrative Patent Judges*.

MORGAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Introduction

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 – 9 and 11 – 24. Claim 10 is canceled. App. Br. 11. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

The invention relates to capturing, storing, and distributing data suitable for use in electronic catalogs. Spec. 1, ll. 26 – 27.

Exemplary Claim

1. A data structure of a database for use in capturing product data by inputting and storing the product data in the database, the data structure of the database being based on a data model having one or more classes, wherein each of the classes has one or more associated categories, the data structure being embodied in a computer readable medium and comprising:

at least one class definition, each class definition being arranged to identify one or more associated categories of products;

a plurality of category definitions, each category definition being arranged to identify an associated attribute group of a product category;

a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category; and

a plurality of possible value lists for facilitating input and storage of product data into the database, each possible value list having a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and

stored in the database so as to minimize potential error during inputting and storing of product data in accordance with the data model;

wherein each attribute is associated with at least one of the plurality of possible value lists which has a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for the associated attribute for the product being classified and stored in the database according to the data model.

Rejections

The Examiner rejects claims 1 – 5, 8 – 9, 11 – 14, 18 – 21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Povilus (US 5,740,425; Apr. 14, 1998) and Foster (US 2003/0130905 A1; July 10, 2003). Ans. 3 – 8.

The Examiner rejects claims 6, 15, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Povilus, Foster, and Carroll (US 2003/0097211 A1; May 22, 2003). Ans. 8 – 9.

The Examiner rejects claims 7, 16, 17, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Povilus, Foster, and Beelitz (US 6,182,275 B1; Jan. 30, 2001). Ans. 9 – 10.

ISSUES

Did the Examiner err in finding that the prior art teaches or suggests all the limitations of the claimed invention?

ANALYSIS

Appellants' arguments have not persuaded us that the Examiner erred in rejecting claims 1 – 9 and 11 – 24. Appellants' arguments focus on whether the prior art teaches or suggests data in a data structure. *See* App. Br. 5 – 17. For Example, Appellants argue that Povilus and Foster do not

3

teach or suggest the recitation of claim 1 of "a plurality of possible value lists for facilitating input and storage of product data into the database, each possible value list having a plurality of predetermined, user selectable values that are selectable during input and storage of product data." *See* App. Br. 6 – 8.

The claims do not recite a function of the data in the data structure. Thus, the claimed data in the data structure is merely non-functional descriptive material. Accordingly, the Examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate. *See In re Lowry*, 32 F.3d 1579, 1583 – 84 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d 1336, 1338 – 39 (Fed. Cir. 2004); *see also Ex parte Curry*, 2005-0509 (BPAI 2005), 84 USPQ2d 1272 (*aff'd*, Rule 36, Fed. Cir. slip op. 06-1003, June 2006). Thus, regardless of whether the claimed data differs from that taught by the prior art, such difference will not define the claim over the art. Accordingly, we are not persuaded of error in the Examiner's rejections of claims 1 – 9 and 11 – 14.

DECISION

The Examiner's decision to reject claims 1 – 9 and 11 – 14 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

dw